



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#12

Applicants: Miki *et al.*

Serial No.: 09/673,333

Filed: February 28, 2001

Atty Dkt: 1096.001C

Group Art Unit: 1638

Examiner: Collins, C.

Title: SEED-COAT PROMOTERS,
GENES AND GENE
PRODUCTS

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Director of the United States Patent and Trademark Office, P. O. Box 1450, Alexandria, VA, 22313-1450 on June 25, 2003.

Candice J. Clement

Candice J. Clement
Attorney for Applicants
Reg. No. 39,946

Date of Signature: June 25, 2003

Director of the United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA, 22313-1450

RECEIVED
JUL 07 2003
TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 USC 121

Dear Sir:

This paper is submitted in response to an Office Action mailed January 27, 2003, which set a one month period for response. In light of the Request and fee for an Extension of Time, this paper is timely filed.

The Action requires an election between seven groups of claims:

- I. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(a), SEQ ID NO: 8;
- II. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(b), SEQ ID NO: 5;
- III. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(c), SEQ ID NO: 7;
- IV. claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(d), SEQ ID NO: 9;

- V. claims 11-20, 22-28, 30-32 and 37-40, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 7, and to a vector, plant cell and seed comprising the promoter;
- VI. claims 11-20, 22-28, 30, 33-34, 41 and 43, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 8, and to a vector, plant cell and seed comprising the promoter; and
- VII. claims 11-20, 22-28, 30, 35-36, 42 and 44, drawn to a seed coat promoter obtained from the genomic DNA of SEQ ID NO: 9, and to a vector, plant cell and seed comprising the promoter.

Applicants hereby elect the claims of Group I:

claims 1-10, 21 and 29, drawn to an isolated genomic DNA sequence characterized by the restriction map of figure 11(a), SEQ ID NO: 8;

This election is without traverse, and without prejudice to Applicants' rights to pursue the non-elected subject matter in one or more continuing applications..

Respectfully submitted,

June 25, 2003

Candice J. Clement
CANDICE J. CLEMENT, ESQ.
Attorney for Applicants
Registration Number 39,946
HESLIN ROTHENBERG FARLEY & MESITI P.C.
5 Columbia Circle
Albany, New York 12203
Telephone: (518) 452-5600
Facsimile: (518) 452-5579